

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALAN D. DIEDE and MARY ANN P. HUK,)	
)	
Plaintiffs,)	
)	Civil Action No. 06-1073
v.)	
)	
CITY OF McKEESPORT and the McKEESPORT POLICE DEPARTMENT,)	Judge Gary L. Lancaster
)	Magistrate Judge Lisa Pupo Lenihan
)	
Defendants.)	

MEMORANDUM ORDER

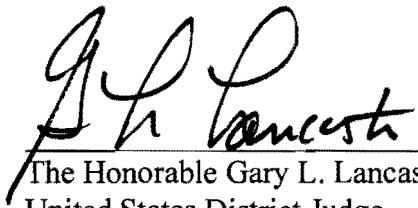
Plaintiffs' Complaint was received by the Clerk of Court on August 11, 2006 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges' Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 41) filed on August 19, 2009, recommended that Defendants' Motion for Summary Judgment (Doc. No. 35) be denied in part and granted in part. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judges' Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. No objections were filed. After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 14th day of Sept, 2009;

IT IS HEREBY ORDERED that Defendants' Motion for Summary Judgment (Doc. No. 35) is **DENIED IN PART AND GRANTED IN PART**. It is **DENIED** as it relates to Plaintiffs' Fourteenth Amendment Procedural Due Process claim regarding the removal of their vehicle. In all other respects, Defendants' Motion for Summary Judgment is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 41) of Magistrate Judge Lenihan, dated August 19, 2009, is adopted as the Opinion of the Court.


The Honorable Gary L. Lancaster
United States District Judge

cc: The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

All counsel of record
Via electronic filing